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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/840,108

05/05/2004

Martin Weel

1116-064

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71739

7590

12/22/2009

WITHROW & TERRANOVA CT

100 REGENCY FOREST DRIVE , SUITE 160

CARY, NC 27518

EXAMINER

DAFTUAR, SAKET K

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/840,108	<b>Applicant(s)</b> WEEL, MARTIN	
	<b>Examiner</b> SAKET K. DAFTUAR	<b>Art Unit</b> 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-18,31,32,34-44 and 50-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18,31,32,34-44 and 50-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/20/09</u> . | 6) <input type="checkbox"/> Other: _____  |

**Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 24<sup>th</sup>, 2009 has been entered. Claims 11-18, 31-32, 34-44 and 50-55 are presented for the further examination.

***Response to Arguments***

2. Applicant's arguments, see Remarks, filed November 24<sup>th</sup>, 2009, with respect to the rejection(s) of claim(s) 11-18, 31-32, 34-44 and 50-55 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. 103(a) as being unpatentable over Johnson US Patent Number 6,456,234 B1 (hereinafter Johnson) and further in view of St. Pierre, US Patent Number 6,853,841 B1 (hereinafter Pierre).

3. Applicant's arguments with respect to claims 11-18, 31-32, 34-44 and 50-55 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-18, 31-32, 34-44 and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson US Patent Number 6,456,234 B1 (hereinafter Johnson) and further in view of St. Pierre, US Patent Number 6,853,841 B1 (hereinafter Pierre).

As per claim 11, Johnson discloses broadcasting a signal [see figure 5A-5B, see column 12, lines 12-41] from the first device [controller, server, administrator, communicating with wireless devices via the base stations, see column 8, lines 6-65] operative to be received by one or more second devices the signal including a request for a list (see figures 14, column 21, line 17 - column 23, line 39, deliverable content list based on id, see administrator selected to list his deliverable content database record, then the deliverable content database is searched using the administrator's authorization id against the authorization id field) of location identifiers (see column 6, line 55 - column 7, line 41, see figures 1-6) from the one or more second devices; receiving, at the first device, at least the identifier from the one or more second devices in response to the request (see column 6, line 55 - column 7, line 41, see figures 1-6); selecting, at the first device, at least one desired location identifier from the at least one

location identifier received from the one or more second devices in response to the request (see figure 5A-5B, see column 12, lines 12-41, the cell controllers selects the strongest signal and extract unique identifier from the return signal); transmitting from the first device a password [administrator's authorization ID, whereas authorization ID for example could be a password for user identifier (see column 14, line 18-32) , searched in deliverable content database records against the authorization ID field discloses that each content is transmitted to database with administrator or controller authorization ID] associated with one desired location identifier (see figure 14, column 22, line 30 – column 23, line 17 ); and in response to transmitting the password associated with the at least one desired location identifier(see column 14, line 18-32), receiving at the first device at least one device identifier identifying a device associated with the identifier (see figure 14, column 22, line 30 – column 23, line 17 ).

However, Johnson is silent about identifying a realm of which the receiving or transmitting device is a member or belongs to.

Pierre teaches identifying a realm [network realm, examiner considers Pieere disclosure of “multiple network attached devices being identified by the remote control device. After Identification of the network attached device, the remote control device dynamically learns the codes of the identified network attached device through a sequence of protocol defined request and response message.” ] of which the receiving or transmitting device is a member (see column 4, line 25 – column 5, line 32, column 8, line 55 -column 10, line 50).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to combine the teachings of Pierre into Johnson to provide an efficient mechanism that provides broadcasting transmission of signal information from a server data processing system to a receiving data processing system whereas the server data processing system correctly identifies the device in a network and efficiently communicates with the receiving data processing system by pushing proactive delivery content that recognizes and identifies the requesting device.

As per claim 12, Pierre teaches identifying a realm [network realm, examiner considers Pierre disclosure of “multiple network attached devices being identified by the remote control device. After Identification of the network attached device, the remote control device dynamically learns the codes of the identified network attached device through a sequence of protocol defined request and response message.” ] of which the receiving or transmitting device is a member (see column 4, line 25 – column 5, line 32, column 8, line 55 -column 10, line 50).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to combine the teachings of Pierre into Johnson to provide an efficient mechanism that provides broadcasting transmission of signal information from a server data processing system to a receiving data processing system whereas the server data processing system correctly identifies the device in a network and efficiently communicates with the

receiving data processing system by pushing proactive delivery content that recognizes and identifies the requesting device.

As per claim 13, Johnson discloses selecting, at the first device, the at least one device identifier identifying the device associated with the at least one desired location identifier, and controlling the device associated with the at least one desired location identifier (see figure 5A-5B, see column 11, line 12 - column 12, line 41, the cell controllers selects the strongest signal and extract unique identifier from the return signal).

As per claim 14, Johnson discloses the device associated with the identifier comprises one or more second device (see figure 5A-5B, see column 11, line 12 - column 12, line 41, the cell controllers selects the strongest signal and extract unique identifier from the return signal).

As per claim 15, Johnson discloses controlling the device associated with the one desired location identifier comprises causing the device associated with the desired location identifier to render at least a portion of a media item (see figure 5A-5B, see column 11, line 12 - column 12, line 41, the cell controllers selects the strongest signal and extract unique identifier from the return signal).

As per claim 16, Johnson discloses controlling the device associated with the identifier further comprises transferring a media item from the device associated with the identifier to the first device (column 6, line 55 – column 8, line 65, see figure 5A-5B, see column 12, lines 12-41 see figure 14, column 22, line 30 – column 23, line 17, see column 13, lines 55-61).

As per claim 17, Johnson discloses the broadcasting a signal comprises broadcasting a signal from a first device operative to be received by a plurality of second devices, wherein each of the plurality of second devices is operatively connected to a same local area network (see column 8, lines 6-65).

As per claim 18, Johnson discloses the broadcasting a signal comprises broadcasting a signal from a first device operative to be received by a plurality of second devices, wherein each of the plurality of second devices is operatively coupled to a network selected from the group consisting of a local area network, a wide area network, a remote local area network, a wireless network, a cellular phone network, and the Internet (see column 8, lines 6-65).

As per claims 31-32 and 34-39, they do not teach or further define over the limitation as recited in claims 11-18, Johnson discloses therefore, claims 31-32 and 34-39 are rejected under same scope as discussed in claims 11-18, *supra*.

As per claim 40, Johnson discloses the first device comprises at least one of a PDA [PDA], a palmtop computer, a laptop computer [laptop], and a cellular telephone (column 6, line 55 – column 8, line 65).

As per claim 41, Johnson discloses wirelessly broadcasting, on a first device, a ID (column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41); wirelessly receiving, on a second device, the ID (column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41); entering, on the second device, a password associated with the ID (column



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6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41 see figure 14, column 22, line 30 – column 23, line 17);effecting the playing of a media item on the first device by the second device (column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41 see figure 14, column 22, line 30 – column 23, line 17, see column 13, lines 55-61).

However, Johnson is silent about identifying a realm of which the receiving or transmitting device is a member or belongs to.

Pierre teaches identifying a realm [network realm, examiner considers Pieere disclosure of “multiple network attached devices being identified by the remote control device. After Identification of the network attached device, the remote control device dynamically learns the codes of the identified network attached device through a sequence of protocol defined request and response message.” ] of which the receiving or transmitting device is a member (see column 4, line 25 – column 5, line 32, column 8, line 55 -column 10, line 50).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to combine the teachings of Pierre into Johnson to provide an efficient mechanism that provides broadcasting transmission of signal information from a server data processing system to a receiving data processing system whereas the server data processing system correctly identifies the device in a network and efficiently communicates with the receiving data processing system by pushing proactive delivery content that recognizes and identifies the requesting device.

As per claims 42-43, they do not teach or further define over the limitation as recited in claims 17-18, Johnson discloses therefore, claims 42-43 are rejected under same scope as discussed in claims 17-18, supra.

As per claim 44, Johnson discloses the wide area network comprises the Internet (see figure 14, column 22, line 30 – column 23, line 17, see column 13, lines 55-61).

As per claims 50-55, Claims 50-55 are method claims of claims 11-18. Except for display device and server devices they do not teach or further define over the limitation as discussed in claims 11-18. Therefore claims 50-55 are rejected under same scope as discussed in claims 11-18 wherein Johnson does disclose a display device displaying, on the first device (see column 17, lines 25-50) and server devices coupled to the communication network for transmitting and receiving media content (see column 8, lines 6-65).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892 form.

a. Dynamic Streaming Media Management by O'Rourke et al. US Patent Number 6,990,497 B2.

b. Streaming Media Delivery on Multicast Networks for Network and Server Bandwidth Minimization and Enhanced Personalization by Weber et al. US Patent Number 7,020,710 B2.

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7. A shortened statutory period for reply to this action is set to expire THREE MONTHS from the mailing date of this action. Failure to respond within the period for response will result in ABANDONMENT of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAKET K. DAFTUAR whose telephone number is (571)272-8363. The examiner can normally be reached on 7:00 - 3:30pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/S. K. D./

Examiner, Art Unit 2451

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451